

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE ORGANOGENESIS SECURITIES
LITIGATION

Case No.: 1:04cv10027-JLT

**ASSENTED-TO MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL AUTHORITY
IN FURTHER SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs, by their counsel, respectfully request leave to submit to the Court the recent opinion in *In re Novastar Financial Securities Litigation*, No. 04-0330-CV-W-ODS (W.D. Mo. Feb. 8, 2007) (attached hereto as Exhibit 1), which is relevant to Plaintiffs' Motion for Class Certification.

In *Novastar*, a securities fraud class action, the court granted plaintiffs' motion for class certification and appointed Milberg Weiss & Bershad LLP ("Milberg Weiss") co-class counsel. The court rejected defendants' arguments that the indictment rendered Milberg Weiss unsuitable as counsel, noting that "removal of Milberg Weiss as co-lead counsel would not only harm the class, but prematurely punish the firm for unproven allegations. The Court does not believe it is be [sic] appropriate to consider disqualification of the firm unless and until the claims have been substantiated." *Id.* at 6-7. The court also rejected defendants' contention that "dissatisfied members of the class will already have a built-in challenge to this action." *Id.* at 6.

Dated: February 8, 2007

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
Nancy Freeman Gans, BBO #184540
55 Cleveland Road
Wellesley, MA 02481
Telephone: (781) 235-2246

*Liaison Counsel and Local Counsel
for Plaintiffs and the Class*

MILBERG WEISS & BERSHAD LLP

Sanford P. Dumain
Ariana J. Tadler
Peter Sloane
Peter Seidman
S. Melisa Twomey
One Pennsylvania Plaza
New York, NY 10119
(212) 594-5300

Lead Counsel for Plaintiffs and the Class

LOCAL RULE 7.1 CERTIFICATE

I, Peter Sloane, hereby certify that on February 8, 2007, I conferred via email with Peter J. Kolovos, Esq., Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants Donna Abelli Lopolito, Michael Sabolinski, Philip Laughlin, Alan Tuck, and Albert Erani; Peter Saparoff, Esq., Mintz, Levin, Cohn, Feris Glovsky and Popeo, P.C., counsel for Defendant Herbert M. Stein; and Sara Jane Shanahan, Esq., Griesinger, Tighe & Maffei, LLP, counsel for Defendant John J. Arcari. Counsel for all Defendants assent to this motion.

/s/ Peter Sloane
Peter Sloane

CERTIFICATE OF SERVICE

I, S. Melisa Twomey, hereby certify that the above document was served by ECF filing upon the attorney of record for each party on February 8, 2007.

/s/ S. Melisa Twomey
S. Melisa Twomey